

OGC 73-1915  
9 October 1973

STATINTL

MEMORANDUM FOR: [REDACTED]

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SUBJECT : [REDACTED] Draft Reply Concerning  
Proposed Prohibition on CIA Activities

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These are our comments on the draft by [REDACTED]  
which [REDACTED] forwarded to us several days ago.

(a) Essentially I believe the reply conveys the correct situation. I do think agencies other than this one could more usefully certify as to the harm to their operations which a prohibition on CIA activities would cause.

(b) The reference in paragraph 1(b) to "other than information" seems to conflict with the opening language of paragraph 1 itself. That is, paragraph 1 refers to a flat prohibition of CIA support and apparently does not contemplate that information will continue to be furnished.

(c) I am not sure what "interactions" means in paragraph 2 and would suggest a different term. In any event, CIA work with other agencies is not only because of the "legitimate interests of these other agencies". Much of our association with other agencies and departments is in order to advance the legitimate interests of this Agency.

(d) The paper seems somewhat repetitive. We state in various ways the loss which the government would sustain if other departments were denied assistance from us.

OGC Has Reviewed

(e) At mid-page 4 there is a statement that if "intelligence information is to be used in a prosecution in an American court, the defense attorneys have the right to review the evidence and it would be impossible to protect foreign intelligence sources." I think the inability to protect derives not only from the right of defense attorneys to review the evidence, but also from the fact that even under the best of circumstances and with full cooperation by the judge and counsel, the information furnished by CIA becomes known to a number of people.

(f) Also on page 4, is it correct that "the major barrier to the law enforcement under discussion" is that CIA information cannot be used for prosecution? Also, the quoted sentence appears to contradict the preceding sentence, which in turn may be inaccurate. We suggest both sentences be deleted.

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Associate General Counsel

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✓ 1 - OGC Subj: LEGISLATION  
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<b>Remarks:</b> <p>This is <span style="border: 1px solid black; display: inline-block; width: 100px; height: 1.2em; vertical-align: middle;"></span> first cut at the paper we asked them to prepare for Andy Marshall. It will need to be pared down considerably, but I would appreciate your views.</p> <div style="border: 1px solid black; width: 200px; height: 100px; margin: 10px auto;"></div>					
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